TRANSMITTAL OF APPEAL BRIEF	Docket No. 66729/P038US/10614714

In re Application of: Roy Schoenberg

Application No.	Filing Date	Examiner	Group Art Unit
10/727,184-Conf. #4980	December 3, 2003	K. S. Lu	2169

Invention: RANGE DEFINITION METHOD AND SYSTEM

TO THE COMMISSIONER OF PATENTS:

Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed: January 13, 2010 .

The fee for filing this Appeal Brief was previously paid on June 19, 2009.

[x] Large Entity [ ] Small Entity

[ ] A petition for extension of time is also enclosed.

The fee for the extension of time is _____ .

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[ ] Charge the amount of the fee to Deposit Account No. 50-3948 .

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This sheet is submitted in duplicate.

Dated: January 15, 2010

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Appeal Brief Transmittal

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Appeal Brief
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Dated: January 15, 2010 Signature: Donna Forbit (Donna Forbit)

Docket No.: 66729/P038US/10614714
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Roy Schoenberg

Application No.: 10/727,184 Confirmation No.: 4980

Filed: December 3, 2003 Art Unit: 2169

For: RANGE DEFINITION METHOD AND SYSTEM Examiner: K. S. Lu

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As required under 37 C.F.R. § 41.37(a), this brief is filed within two months of the Notice of Appeal filed January 13, 2010, and is in furtherance of said Notice of Appeal.

The fees required under 37 C.F.R. § 41.20(b)(2) were previously paid for the Notice of Appeal and Appeal Brief filed June 19, 2009.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1206:

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

The TriZetto Group, Inc.

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

Appellant respectfully notes that there is a pending appeal (Appeal No. 2009-013604) before the Board for U.S. patent application serial number 10/315,514 titled "METHOD OF AND SYSTEM FOR INTEGRATING HEALTH INFORMATION INTO A PATIENT'S RECORD" (hereafter "the '514 application"), which is commonly assigned with the present application. One of the references at issue in the appeal for the '514 application is U.S. Patent Publication No. 2002/0029157 to Marchosky, which is similar to the *Marchosky* reference (U.S. Patent Application Publication No. 2003/0050803) applied in the rejection of the present application. The claimed subject matter at issue in the appeal of the '514 application appears significantly different from the claimed subject matter at issue in the present appeal, but Appellant notes the pending appeal of the '514 application for the Board's consideration merely because of the similarity of the Marchosky references at issue in each appeal. In the appeal of the '514 application, an Examiner's Answer was filed March 18, 2009, and a Reply Brief was

filed April 24, 2009. No decision has been rendered as of yet in the appeal of the '514 application.

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 27 claims pending in application.

B. Current Status of Claims

1. Claims canceled: 11-20, 31-40, and 43-52
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 1-10, 21-30, 41-42, and 53-57
4. Claims allowed: None
5. Claims rejected: 1-10, 21-30, 41-42, and 53-57

C. Claims On Appeal

The claims on appeal are claims 1-10, 21-30, 41-42, and 53-57.

IV. STATUS OF AMENDMENTS

A Final Office Action was mailed March 30, 2009, which finally rejected claims 1-10, 21-30, 41-42, and 53-57. In particular, all of the claims were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,104,798 to Lickiss et al. (hereafter "*Lickiss*") in view of U.S. Patent Application Publication No. 2003/0050803 to Marchosky (hereafter "*Marchosky*").

In response, Applicant filed a response that did not present any claim amendments, but which instead presented arguments traversing the grounds of rejection. An Advisory Action was then mailed June 8, 2009, which maintained the rejections. In response to the Advisory Action, Applicant filed a Notice of Appeal with an accompanying Appeal Brief on June 19, 2009.

Prosecution of the application was then reopened with a new Office Action dated December 29, 2009, which again rejects all of claims 1-10, 21-30, 41-42, and 53-57. This new Office Action introduces a new reference, U.S. Patent No. 6,772,141 to Pratt et al. (hereafter "*Pratt*") and rejects the claims under 35 U.S.C. §103(a) as being unpatentable over *Lickiss* in view of *Marchosky* and further in view of *Pratt*. Applicant maintains that the newly-introduced *Pratt* reference does not cure the deficiencies in the prior rejection (that was based solely on *Lickiss* and *Marchosky*), and thus Applicant reinstates the appeal to request the Board to overturn the rejections for the reasons discussed further herein.

Accordingly, because no claim amendments were presented in the response to the Final Office Action of March 30, 2009 (nor in response to the new Office Action dated December 29, 2009), the claims on appeal are those as rejected in the Final Office Action. A complete listing of the claims is provided in the Claims Appendix hereto.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following provides a concise explanation of the subject matter defined in each of the separately argued claims involved in the appeal, referring to the specification by page and line number and to the drawings by reference characters, as required by 37 C.F.R. § 41.37(c)(1)(v). Each element of the claims is identified by a corresponding reference to the specification and drawings where applicable. It should be noted that the citation to passages in the specification and drawings for each claim element does not imply that the limitations from the specification and drawings should be read into the corresponding claim element.

According to one claimed embodiment, such as that of independent claim 1, a range-conversion method comprises receiving medical data records (*see e.g.*, receiving operation of block 138 of FIGURE 4 and *see* medical data records 62, 64, and 66 of FIGURE 2), wherein each of the medical data records includes at least a portion of a corresponding patient's medical history that includes one or more data fields and a field value associated with each data field (*see e.g.,* exemplary fields of medical record 62 of FIGURE 5). The method further comprises identifying one or more of said data fields as a range-based data field (*see e.g.,* operational block 148 of FIGURE 4); and defining (*see e.g.,* operational block 150 of FIGURE 4), by an authorized user who has authorized access to the medical data records (*see e.g.,* medical service providers 17-19 of FIGURE 1, and *see* paragraphs 0027-0033 at page 8, line 3 – page 10, line 2 and paragraphs 0048-0049 at page 13, lines 3-21 of the specification), a plurality of text-based range descriptors, wherein each text-based range descriptor is associated with a range of field values for one of the range-based data fields (*see e.g.,* paragraphs 0035-0045 at page 10, line 8 – page 12, line 19 of the specification).

In one embodiment, such as that recited by dependent claim 6, a specific data record includes a range-based data field, and the range-conversion method further comprises incorporating, as the value descriptor of the text-string associated with the specific data record, the text-based range descriptor that is associated with the field value of the range-based data field included in the specific data record (*see e.g.,* paragraphs 0035-0047 at page 10, line 8 – page 13, line 2 of the specification).

In one embodiment, such as that recited by dependent claim 53, each of the defined text-based range descriptors represents a corresponding medical status of the patient reflected by field values contained in the range of field values associated with the text-based range descriptor (*see e.g.,* paragraphs 0035-0045 at page 10, line 8 – page 12, line 19 of the specification).

According to another claimed embodiment, such as that of independent claim 21, a computer program product residing on a computer readable medium having a plurality of instructions stored thereon which, when executed by the processor, cause that processor to: receive medical data records (*see e.g.*, medical data records 62, 64, and 66 of FIGURE 2), wherein each of the medical data records includes at least a portion of a corresponding patient's medical history that includes one or more data fields and a field value associated with each data field (*see e.g.,* exemplary fields of medical record 62 of FIGURE 5); receive user selection of one or more of said data fields as a range-based data field (*see e.g.,* paragraphs 0044-0045 at page 12, lines 1-19 of the specification); and receive user definition of a plurality of text-based range descriptors, wherein each text-based range descriptor is associated with a range of field values for the selected one or more of the range-based data fields (*see e.g.,* paragraphs 0044-0045 at page 12, lines 1-19 of the specification).

In one embodiment, such as that of dependent claim 26, a specific data record includes a range-based data field, and the computer program product further comprises instructions for incorporating, as the value descriptor of the text-string associated with the specific data record, the text-based range descriptor that is associated with the field value of the range-based data field included in the specific data record (*see e.g.,* paragraphs 0035-0047 at page 10, line 8 – page 13, line 2 of the specification).

In one embodiment, such as that of dependent claim 56, each of the defined text-based range descriptors represents a corresponding medical status of the patient reflected by field values contained in the range of field values associated with the text-based range descriptor (*see e.g.,* paragraphs 0035-0045 at page 10, line 8 – page 12, line 19 of the specification).

According to another claimed embodiment, such as that of independent claim 41, a searching system comprises a server system including a computer processor and associated memory (*see e.g.,* computer 26 of FIGURE 1, and paragraphs 0020-0021 at page 6, line 17 – page 7, line 2 of the specification), the server system having a database that includes a plurality of medical data records (see e.g., medical record repository 52 of FIGURE 2, which is illustrated as part of record organization system 10 implemented on server computer 26 of FIGURE 1; and *see* paragraphs 0023-0024 at page 7, lines 7-22 of the specification), wherein each of the medical data records includes at least a portion of a corresponding patient's medical history (*see e.g.,* exemplary fields of medical record 62 of FIGURE 5). The server system is configured to: receive medical data records (*see e.g.*, receiving operation of block 138 of FIGURE 4 and *see* medical data records 62, 64, and 66 of FIGURE 2), wherein each data record includes one or more data fields and a field value associated with each data field, and wherein said field value includes a patient-specific value for the corresponding patient (*see e.g.,* exemplary fields of medical record 62 of FIGURE 5); identify one or more of said data fields as a range-based data field that can accept any numeric value within a range of valid numeric values (*see e.g.,* operational block 148 of FIGURE 4); and define a plurality of text-based range descriptors (*see e.g.,* operational block 150 of FIGURE 4), wherein each text-based range descriptor is associated with a range of field values for one of the range-based data fields, wherein each of the text-based range descriptors represents a corresponding medical status of the patient reflected by field values contained in the range of field values associated with the text-based range descriptor (*see e.g.,* paragraphs 0035-0045 at page 10, line 8 – page 12, line 19 of the specification).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. The drawings are objected to;

B. Claim 41 is rejected under 35 U.S.C. §112, second paragraph as being indefinite; and

C. Claims 1-10, 20-30, 41-42, and 53-57 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,104,798 to Lickiss et al. (hereafter "*Lickiss*") in view of U.S. Patent Application Publication No. 2003/0050803 to Marchosky (hereafter "*Marchosky*") and further in view of U.S. Patent No. 6,772,141 to Pratt et al. (hereafter "*Pratt*").

VII. ARGUMENT

Appellant respectfully traverses the outstanding rejections of the pending claims, and requests that the Board reverse the outstanding rejections in light of the remarks contained herein. The claims do not stand or fall together. Instead, Appellant presents separate arguments for various independent and dependent claims. Each of these arguments is separately argued below and presented with separate headings and sub-heading as required by 37 C.F.R. § 41.37(c)(1)(vii).

A. Objection to Drawings

The objection to FIGURES 3 and 6 of the drawings has been addressed by submission of corrected drawing sheets in an amendment filed January 14, 2010.

B. Rejection of Claim 41 Under 35 U.S.C. §112, Second Paragraph

Claim 41 recites, in part, "wherein the server system is configured to:" perform certain operations. The Office Action contends that the language "configured to" does "not positively recite the limitation so preceded is required to be performed by the invention covered by the claim," and therefore the Office Action concludes that for this reason claim 41 is indefinite under 35 U.S.C. §112, second paragraph, *see* page 3 of the Office Action.

Appellant notes that the Examiner does not offer any explanation as to why the language of claim 41 is unclear beyond merely contending that the language does not positively recite the limitations required to be performed by the claim. For the reasons discussed below, the rejection is improper and should be overturned.

First, Appellant respectfully disagrees with the Examiner's contention that the language is not a positive recitation. Claim 41 positively recites that the server system "is" configured to perform the operations of "receive medical data records", "identify one or more of said data fields as a range-based data field", and "define a plurality of text-based range descriptors". Claim 41 does not recite, for example, that the server system "may be" or "could be" so

configured, but instead positively recites that it "is" so configured to perform the recited operations. Thus, the language is sufficiently definite for one of ordinary skill in the art to understand that the recited server system of claim 41 is required to be configured to perform the recited operations.

In view of the above, Appellant respectfully submits that the rejection of claim 41 is improper and should be overturned because claim 41 clearly recites that the server system is configured to perform the recited operations, thus making clear that such a configuration of the server system for performing the recited operations is required by the claim. Accordingly, claim 41 is sufficiently definite to satisfy the requirements of 35 U.S.C. §112, second paragraph.

C. Rejections Under 35 U.S.C. §103 over *Lickiss* in view of *Marchosky* and further in view of *Pratt*

Claims 1-10, 20-30, 41-42, and 53-57 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Lickiss* in view of *Marchosky* and further in view of *Pratt*. Appellant respectfully traverses these rejections for the reasons discussed hereafter.

The test for non-obvious subject matter is whether the differences between the subject matter and the prior art are such that the claimed subject matter as a whole would have been obvious to a person having ordinary skill in the art to which the subject matter pertains. The United States Supreme Court in Graham v. John Deere and Co., 383 U.S. 1 (1966) set forth the factual inquiries which must be considered in applying the statutory test: (1) determining of the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims at issue; and (3) resolving the level of ordinary skill in the pertinent art. As discussed further hereafter, Appellant respectfully asserts that the claims include non-obvious differences over the cited art.

As discussed further below, the rejections should be overturned because when considering the scope and content of the applied *Lickiss*, *Marchosky*, and *Pratt* references there are significant differences between the applied combination and claims 1-10, 20-30, 41-42, and

53-57, as the applied combination fails to teach or suggest all limitations of these claims. Thus, considering the lack of disclosure in the applied combination of all limitations of claims 1-10, 20-30, 41-42, and 53-57, one of ordinary skill in the art would not find these claims obvious under 35 U.S.C. §103, and therefore the rejections should be withdrawn.

Discussion of Applied *Lickiss*, *Marchosky*, and *Pratt* References

Before addressing the specific claim rejections raised in the Office Action, Appellant briefly addresses the disclosure of the applied *Lickiss*, *Marchosky,* and *Pratt* references for the convenience of the Board.

Lickiss

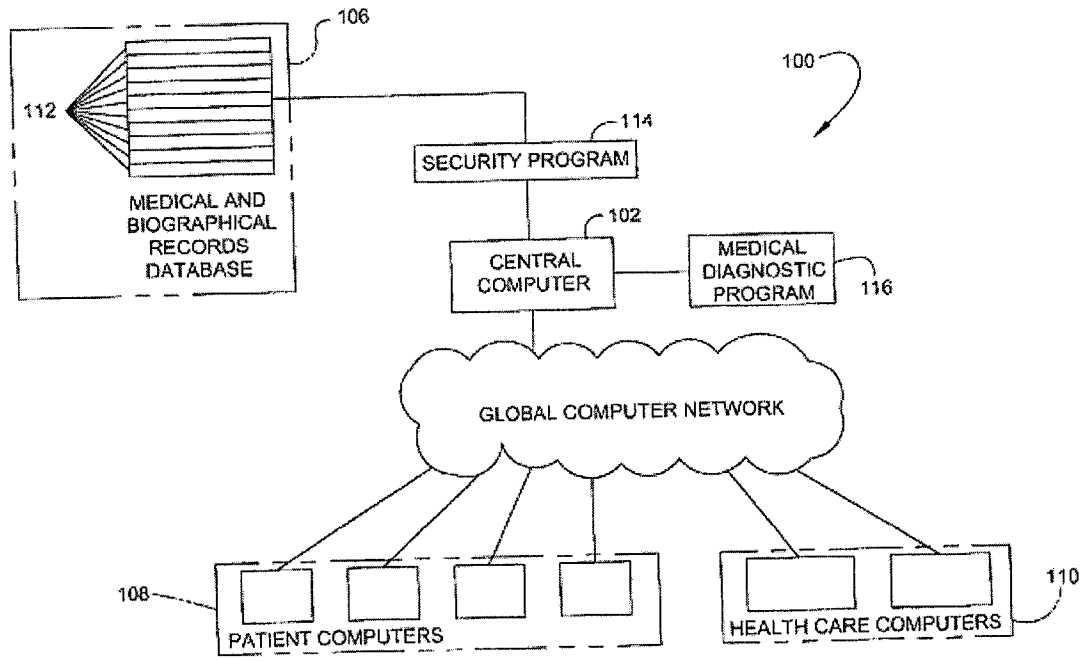
Lickiss is directed generally to an "automated order processing system for a telecommunications services carrier is capable of activating customer orders and provisioning telecommunications services for customers." Abstract of *Lickiss*. *Lickiss* does not provide any disclosure whatsoever concerning medical data records, but is instead concerned with activating customer orders for telecommunications services. As the Office Action concedes (*see* page 5 thereof), *Lickiss* provides no teaching whatsoever regarding medical data records.

Marchosky

Unlike *Lickiss*, *Marchosky* is not directed to customer orders or provisioning of telecommunications services, but is instead directed to a much different problem concerning diagnosing medical patients. *Marchosky* is directed generally to a medical records database and medical diagnostic program, *see* Abstract. Individual patient medical and biographical records (that are stored to the medical records database) are owned by individual patients who can enter information in their record as well as grant or deny authorization to others, such as health care professionals. *Id.* The diagnostic program provides a series of diagnostic questions to an individual who must respond either "yes" or "no" to each question. *See* ¶ 0021 of *Marchosky*. Each potential response is weighted relative to its importance to a particular diagnosis, and the weights for the responses are summed to identify potential diagnoses. *See* ¶ 0024 of *Marchosky*. The list of potential diagnoses determined for a patient may be saved to the patient's individual medical record.

Figure 1 of *Marchosky* is reproduced below.

FIG. 1



As shown in Figure 1, *Marchosky* explains compiling patient-specific medical/biographical records 112. Further, a medical diagnostic program 116 that is external to the data records 112 is included for the purpose of aiding a user in gathering information to be used for diagnosing the patient. Paragraphs 0153-0179 of *Marchosky* and the Tables I-VI (portions of which the Office Action relies upon) are directed to describing the operation of the medical diagnostic program 116 and the codes that it employs for its operation in evaluating input responses for diagnosing a patient.

While *Marchosky* mentions medical records (unlike *Lickiss*), *Marchosky* fails to provide any disclosure whatsoever of range-based data fields in the medical records or of an authorized user defining text-based range descriptors that are associated with a range of field values for the range-based data fields contained in the medical records, as examples.

Pratt

Pratt is not directed to customer orders or provisioning of telecommunications services (as is *Lickiss*), nor is it directed to diagnosing medical patients (as is *Marchosky*); but instead *Pratt* is directed to another much different problem of organizing and using indexes for searching for data in computer systems, *see* col. 1, lines 5-10 and col. 2, lines 14-16 of *Pratt*. *Pratt* proposes a search decision table for organizing various full-text indexes, where the search decision table is used to identify corresponding full text indexes to be used for searching responsive to a user query, *see e.g.,* col. 2, lines 23-52 and col. 5, line 60 – col. 7, line 38.

An example of the search decision table of *Pratt* is shown in Figure 3 of *Pratt*, a copy of which is reproduced as follows:

30

LowWord	Unique words	Total word references on creation	Total word references since creation	Queries access to this row	Index1	Index2	...	IndexN
00000	5	1000	657	355	1	0	...	1
already	35	200	0	0	0	1	...	1
amazon	100	100	235	25	1	1	...	0
...	...	...	...		...	...		...
the	1	22,001	10,356	0	1	1		1
zebra	4	42	150	2	0	1		0

Fig. 3

Index words are organized alphabetically, and ranges of the alphabetically-arranged words are identified by a lower text limit and upper text limit in the table. For instance, in Figure 3, all of the index words that occur alphabetically between the words "already" and "amazon" are identified as residing between that lower text limit ("already") and upper text limit ("amazon"), *see* col. 5, line 60 – col. 6, line 21.

An exemplary application of the search decision table of *Pratt* is informative, which *Pratt* provides at col. 6, line 54 – col. 7, line 8 as follows:

> FIG. 4 depicts a flowchart 40 of one way that the search decision table 30 can be used. At step 41, a query is prepared comprising one or more text strings. While the query formatting can vary widely, by way of example consider the query "aluminum /s zeppelin" (i.e. aluminum in the same sentence as zeppelin). The query is preferably parsed to determine the searchable text strings (i.e. "aluminum" and "zeppelin"). Once the searchable text strings are parsed, the search decision table 30 is accessed in step 42. At step 43, for each string of text in the query, the range of text in the first column to which the string corresponds is identified. For the text string "aluminum", the reference "already" would be identified (since in alphanumeric order "aluminum" is greater than "already" and less than "amazon"). Since the "already" row is being accessed by a query, the queries access value (i.e. fifth column) is incremented by one. Likewise, for the text string "zeppelin" the reference "zebra" is identified and the corresponding range of text, and the query access value is incremented.
>
> At step 44, the search decision table 30 is referenced to determine the indexes which correlate to the identified ranges of text.

Thus, the search decision table of *Pratt* proposes to arrange indexes in alphabetical order and include specific ones of the indexes (e.g., "already" and "amazon") that serve as lower text limits and upper text limits in order to identify the portion of the alphabetically-arranged indexes in which a user-input search term resides.

Thus, as discussed further herein, *Pratt* (like *Lickiss* and *Marchosky*) also fails to provide any disclosure whatsoever of range-based data fields in medical records or of an authorized user defining text-based range descriptors that are associated with a range of field values for the range-based data fields contained in the medical records, as examples.

Independent Claim 1 and Dependent Claims 2-5, 10, and 54-55

i. Applied Combination Fails to Teach or Suggest All Claim Limitations

Independent claim 1 recites:

> A range-conversion method comprising:
> receiving medical data records, wherein each of the medical data records includes at least a portion of a corresponding patient's medical history that includes one or more data fields and a field value associated with each data field;
> identifying one or more of said data fields as a range-based data field; and
> defining, by an authorized user who has authorized access to the medical data records, a plurality of text-based range descriptors, wherein each text-based range descriptor is associated with a range of field values for one of the range-based data fields. (Emphasis added).

The applied combination of *Lickiss, Marchosky,* and *Pratt* fails to teach or suggest at least the above-emphasized limitations of claim 1. Claim 1 is directed to medical data records that include at least a portion of a corresponding patient's medical history. As is well known in the art, such medical records are special types of data records due to the sensitive nature of the information they contain and the restrictive access to such information to only certain authorized users, such as a patient's physician.

In addition, claim 1 recites that the medical history includes one or more data fields that are identified as a range-based data field, and an authorized user (e.g., a patient's physician) defines a plurality of text-based range descriptors, wherein each text-based range descriptor is associated with a range of values for one of the range-based data fields. For instance, as discussed in paragraphs 0044-0045 of the present application, one such range-based data field included in a medical record may be a cholesterol field for a patient, and a text-based range descriptor of "1" may be defined to represent a total cholesterol reading of <150, a text-based range descriptor of "2" may be defined to represent a total cholesterol reading of 150-199, a text-based range descriptor of "3" may be defined to represent a total cholesterol reading of 200-239, a text-based range descriptor of "4" may be defined to represent a total cholesterol reading of

240-274, and a text-based range descriptor of "5" may be defined to represent a total cholesterol reading of >275.

As discussed further hereafter, *Lickiss*, *Marchosky*, and *Pratt* do not propose any such text-based range descriptors for a range-based data field of a medical record. *Lickiss* does not concern medical data records at all, and the Office Action appears to concede that *Lickiss* fails to disclose the above limitation. While *Marchosky* proposes that its medical diagnostic program may employ a range of codes for its operation in evaluating input responses to questions for attempting to diagnose a patient (*see* paragraphs 0153-0179 of *Marchosky*), it simply fails to address any such descriptor for range-based medical history data contained in the medical data records. As with *Lickiss*, the Office Action concedes that *Marchosky* fails to teach or suggest the above limitation.

However, the Office Action alleges that *Pratt* discloses text-based range descriptors for a range-based data field of a medical record. Appellant respectfully disagrees. First, *Pratt* does not disclose any medical records whatsoever or any fields of medical records. Indeed, the fields of the search decision table of *Pratt* are not user-specific information pertaining any particular person whatsoever (such as medical history of a particular patient). Instead, the fields of the search decision table of *Pratt* relate to coordination of search indexes that may be used for full-text searching of documents residing in one or more informational sources.

Further, *Pratt* does not disclose text-based range descriptors for a range-based data field. Instead, as discussed above, *Pratt* merely organizes textual indexes alphabetically and uses certain words in the alphabetical arrangement as lower and upper limits for identifying a range of index words residing between the limits, such as using "already" and "amazon" as lower and upper limits for identifying words (e.g., "aluminum") residing between them. The word "already," for example, is not a text-based range descriptor for a range-based data field in *Pratt*, but is rather merely a lower limit word in the range of alphabetically-arranged indexes. For instance, the word "already" in the example of Figure 3 of *Pratt* may be used to identify a range of alphabetically-ordered words that reside between "already" and "amazon," such as "aluminum"; but, the word "already" itself is merely one of the alphabetically-ordered words and

is not a text-based range descriptor for a range-based data field (such as the text-based range descriptor of "1" being defined to represent a total cholesterol reading of <150, as discuss in the exemplary embodiment in paragraphs 0044-0045 of the present application). *Pratt* simply proposes no such text-based range descriptors for any range-based data field.

Further, the applied combination fails to teach or suggest that an authorized user who has authorized access to the medical data records defines the text-based range descriptors. The Office Action contends that *Pratt* discloses "identifying range of query text string by comparing the text string with reference strings for searching decision and result", page 6 of the Office Action. Thus, the Examiner appears to contend that the user's input of a search query in *Pratt* satisfies this claim limitation. However, *Pratt* does not teach or suggest that an authorized user who has authorized access to the medical data records defines the text-based range descriptors, as discussed below.

First, *Pratt* does not teach or suggest medical data records, nor any user who has authorized access to medical data records. Further, the user in *Pratt* merely inputs a search query (e.g., to the user interface 26 of Figure 2). The user in *Pratt* does not define the words in the search decision table (which the Examiner relies upon as being the claimed text-based range descriptors). As discussed above, the words in the search decision table, such as "already" shown in Figure 3 of *Pratt*, are not text-based range descriptors for a range-based data field (and particularly not for a range-based data field of a medical record, as claimed). Moreover, a user who inputs a search query in *Pratt* does not define the words in the search decision table (e.g., "already"), but instead merely inputs a search query which is parsed into searchable text strings for which the search decision table of *Pratt* is employed for identifying the indexes to be used, *see* col. 6, line 54 – col. 7, line 8 of *Pratt*. Indeed, *Pratt* describes a technique for determining the words in the search decision table (*see* col. 7, line 39 – col. 8, line 51 of *Pratt*), which does not involve any user defining those words.

Accordingly, not only are the records in *Pratt* not disclosed as medical data records (and indeed the search decision table in *Pratt* does not contain any user-specific information, such as a medical patient's medical history), nor is any user in *Pratt* disclosed as being a user who has

authorized access to medical data records, but also the words in *Pratt's* search decision table (e.g., the word "already", "amazon", "zebra") are not text-based range descriptors for a range-based data field. Moreover, the words in *Pratt's* search decision table are not defined by a user (particularly not a user who has authorized access to medical data records). As such, *Pratt* falls well short of teaching or suggesting the above limitations of claim 1.

Accordingly, the combination of *Lickiss*, *Marchosky*, and *Pratt* does not teach or suggest all limitations of claim 1. Therefore, Appellant respectfully requests that the rejection of claim 1 be overturned.

ii. No Apparent Reason to Combine Applied References in the Manner Suggested

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner cannot satisfy this burden through "mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR Int'l. v. Teleflex Inc.,* 127 S. Ct. 1727, 1741, 82 USPQ 2d 1385, 1396 (2007) (citing *In re Kahn*, 441 F.3d 977, 988, 78 U.S.P.Q.2d 1329, 1336 (Fed. Cir. 2006)). Moreover, the Examiner must provide analysis supporting any rationale why a person skilled in the art would combine the prior art to arrive at the claimed invention, and "[such] analysis should be made explicit," *KSR*, 127 S.Ct. at 1741.

As discussed above, the Office Action applies a combination of three very different references in attempt to arrive at the claimed invention through piecemeal application of the references. For instance, *Lickiss* is directed generally to an "automated order processing system for a telecommunications services carrier is capable of activating customer orders and provisioning telecommunications services for customers" (abstract of *Lickiss*), while *Marchosky* is directed generally to a medical records database and medical diagnostic program (abstract of *Marchosky*) and *Pratt* is directed to still another much different problem of organizing and using indexes for searching for data in computer systems (*see* col. 1, lines 5-10 and col. 2, lines 14-16 of *Pratt*). One reference concerns providing telecommunication services to customers, while another reference concerns the much different issue of diagnosing medical patients, and the third

reference concerns still a further much different issue of organizing and using indexes for searching for data.

Further, sufficient rationale has not been provided to establish why one of ordinary skill in the art would be motivated to combine such disparate teachings in the manner applied by the Examiner absent the use of impermissible hindsight in which the present application is used as a blue print to piece the elements together in the manner claimed.

Combination of *Marchosky* with *Lickiss* is Improper

First, the reasoning for combining *Marchosky* with *Lickiss* is insufficient for establishing a proper prima facie case of obviousness. The reasoning stated in the Office Action for combining *Marchosky* with *Lickiss* is "because both references are directed to provide services and carriers for a great large number of records where records indexes and access authorization would have enhanced Lickiss' system for providing more accurate reports and more timely status on-line data to its clients." Page 5 of the Office Action. However, it is completely unclear how, if at all, the medical record repository of *Marchosky*, and in particular the medical diagnostic program of *Marchosky* (which is relied upon by the Examiner's rejection), could be adapted for use in the telecommunication provisioning system of *Lickiss* to achieve the alleged improved accuracy in reports and/or more timely on-line data.

Appellant maintains that one of ordinary skill in the art would not find objective reasoning for combining the medical record repository of *Marchosky* with *Lickiss* in order to improve the accuracy and/or timeliness of reporting of the telecommunication data in *Lickiss*, and the Office Action fails to offer any explanation regarding how such improved accuracy and/or timeliness would be achieved through application of *Marchosky's* medical record repository or the medical diagnosis program of *Marchosky* (which is what the portion of *Marchosky* being relied upon by the Examiner describes) in *Lickiss*. Indeed, adding the capability of the medical diagnostic program of *Marchosky* (which is the portion of *Marchosky* that is relied upon by the rejection) with the telecommunication ordering system of *Lickiss* in the manner suggested by the Examiner does not provide any improved accuracy in reporting or more

timely status as asserted by the Examiner, but might instead result in a system that can both manage customer orders for telecommunication services and provide medical diagnosis for those customers!

Combination of *Pratt* with *Marchosky* and *Lickiss* is also Improper

Additionally, the reasoning for further combining *Pratt* with *Marchosky* and *Lickiss* is insufficient for establishing a proper prima facie case of obviousness. The reasoning stated in the Office Action for combining *Pratt* with *Marchosky* and *Lickiss* is the contention that "by associating indexes with range-based fields and the further combined teaching would have further improved the performance of accessing and authorizing of Lickiss' records." Page 6 of the Office Action. However, it is completely unclear how, if at all, the indexing approach proposed in *Pratt* would be employed in the telecommunication provisioning system of *Lickiss* to achieve the alleged improved performance of accessing and authorizing of *Lickiss*' records. For instance, it does not appear that *Lickiss* employs full-text searching of its information through user-input textual search queries, which is the use for which the indexes of *Pratt* are proposed.

Furthermore, the Office Action appears to contend (incorrectly) that the words contained in *Pratt's* search decision table constitute text-based range descriptors, and the Office Action contends that it would have been obvious to employ such alleged text-based range descriptors of *Pratt* within the medical records of *Marchosky*. However, not only is *Pratt's* search decision table not a medical record, but such search decision table does not even contain user-specific information similar to patient-specific information (e.g., medical history) contained in a medical record. Thus, sufficient objective reasoning why one of ordinary skill in the art would employ the words from *Pratt's* search decision table in a medical record has not been established by the Examiner.

Conclusion

Clearly, the three very different references are being combined in piecemeal fashion using impermissible hindsight in which the present application is effectively being used as a blue print by the Examiner to piece the disparate reference teachings together in attempt to arrive at the claimed subject matter. Thus, the rejections based on the applied combination of *Lickiss*, *Marchosky*, and *Pratt* should be withdrawn for this further reason.

Further, dependent claims 2-5, 10, and 54-55 depend either directly or indirectly from independent claim 1 and thus inherit all limitations of claim 1. Therefore, these dependent claims 2-5, 10, and 54-55 are likewise believed allowable over the combination of *Lickiss*, *Marshosky*, and *Pratt* based at least on their dependency from claim 1 for the reasons presented above.

Dependent Claims 6-9

Dependent claims 6-9 depend either directly or indirectly from independent claim 1 and thus inherit all limitations of claim 1. Therefore, these dependent claims 6-9 are likewise believed allowable over the combination of *Lickiss*, *Marshosky*, and *Pratt* based at least on their dependency from claim 1 for the reasons presented above.

In addition, dependent claim 6 recites "wherein a specific data record includes a range-based data field, the range-conversion method further comprising: incorporating, as the value descriptor of the text-string associated with the specific data record, the text-based range descriptor that is associated with the field value of the range-based data field included in the specific data record" (emphasis added). The applied combination of *Lickiss*, *Marshosky*, and *Pratt* fails to teach or suggest this further limitation of claim 6, as discussed below.

Appellant fails to understand the Office Action's attempted explanation of the applied combination of *Lickiss*, *Marshosky*, and *Pratt* on pages 8-9 thereof for allegedly satisfying the further limitation of claim 6. The strained/incomplete reasoning of the applied combination offered by the Office Action is simply nonsensical and fails to provide sufficient explanation of

how each applied reference is being relied upon/combined with the other references in order to establish a proper prima facie case.

At best, it appears that the Office Action may be contending that the range of digital codes used by *Marchosky's* medical diagnostic program for indicating different degrees of pain may be converted into a format suitable for provisioning at a local exchange entity (per *Lickiss*) and somehow incorporate a text-based range descriptor per *Pratt*. Thus, the Office Action appears to propose that the digital codes of *Marchosky* (which are employed for controlling its medical diagnostic program) would somehow be employed, along with the search decision table of *Pratt* (which the Office Action contends as disclosing the text-based range descriptor) for use in the working telephone number file of *Lickiss*. This further illuminates that the applied combination of the disparate teachings of *Lickiss*, *Marchosky*, and *Pratt* is improper.

Moreover, as discussed above with claim 1, the applied combination fails to disclose the recited text-based range descriptor, and thus the combination further fails to teach or suggest this additional limitation of claim 6.

Therefore, the rejection of claim 6, as well as the rejection of claims 7-9 which depend either directly or indirectly from claim 6, should be overturned for this further reason.

Dependent Claim 53

Dependent claim 53 depends from independent claim 1 and thus inherits all limitations of claim 1. Therefore, dependent claim 53 is believed allowable over the combination of *Lickiss*, *Marchosky*, and *Pratt* based at least on its dependency from claim 1 for the reasons presented above.

As discussed above, claim 1 recites "receiving medical data records, wherein each of the medical data records includes at least a portion of a corresponding patient's medical history that includes one or more data fields and a field value associated with each data field; identifying one or more of said data fields [of the medical data record] as a range-based data field; and defining ... a plurality of text-based range descriptors, wherein each text-based range descriptor is

associated with a range of field values for one of the range-based data fields [of the medical data record]" (emphasis added). In addition, claim 53 recites "wherein each of the defined text-based range descriptors represents a corresponding medical status of the patient reflected by field values contained in the range of field values associated with the text-based range descriptor." The recited "the range of field values associated with the text-based range descriptor" of claim 53 refers to the range of field values of the recited medical data record of claim 1.

As discussed above, the Office Action relies upon the disclosure in *Pratt* of a search decision table as containing the recited text-based range descriptors. However, as discussed with claim 1 above, the index words contained in *Pratt's* search decision table are not text-based range descriptors as recited by claim 1. Moreover, the words contained in the search decision table of *Pratt* do not "represent a corresponding medical status of the patient reflected by field values contained in the range of field values associated with the text-based range descriptor", as recited by claim 53. As discussed above with claim 1, the words contained in the search decision table of *Pratt* do not correspond to any user-specific information, such as medical status of a corresponding patient.

Further, *Marchosky* fails to teach or suggest this limitation. For instance, Table IV of *Marchosky* illustrates "acute pain" having a range of digital codes (from 0-10). However, these digital codes are not taught by *Marchosky* as being range-based data fields in the medical records, but are rather digital codes employed by its medical diagnostic program for controlling the operation of that program in evaluating input responses to questions for attempting to diagnose a patient (*see* paragraphs 0153-0179 of *Marchosky*). Thus, *Marchosky* fails to teach or suggest this further limitation of claim 53.

In addition, *Lickiss* does not teach or suggest this limitation (as *Lickiss* does not teach or suggest any medical data record). Therefore, the rejection of claim 53 should be overturned for this further reason.

Independent Claim 21 and Dependent Claims 22-25, 30, and 57

Independent claim 21 recites:

> A computer program product residing on a computer readable medium having a plurality of instructions stored thereon which, when executed by the processor, cause that processor to:
> receive medical data records, wherein each of the medical data records includes at least a portion of a corresponding patient's medical history that includes one or more data fields and a field value associated with each data field;
> receive user selection of one or more of said data fields as a range-based data field; and
> receive user definition of a plurality of text-based range descriptors, wherein each text-based range descriptor is associated with a range of field values for the selected one or more of the range-based data fields.

For reasons similar to those discussed above with claim 1, independent claim 21 is believed to be patentable over the applied combination of *Lickiss*, *Marchosky*, and *Pratt*. For instance, neither *Lickiss*, *Marchosky*, nor *Pratt* teaches or suggests receiving a user definition of a plurality of text-based range descriptors, wherein each text-based range descriptor is associated with a range of field values for selected one or more range-based data fields of a medical data record, as recited by claim 21. As discussed above with claim 1, *Pratt* fails to teach or suggest any such text-based range descriptor that is defined by a user.

In addition, as argued above with claim 1, there is no apparent reason to combine the disparate teachings of *Lickiss*, *Marchosky*, and *Pratt* in the manner suggested by the Examiner. Therefore, the rejection of claim 21 is improper for this further reason.

In view of the above, Appellant respectfully requests that this rejection of independent claim 21 also be overturned.

Further, dependent claims 22-25, 30, and 57 depend either directly or indirectly from independent claim 21 and thus inherit all limitations of claim 21. Therefore, these dependent claims 22-25, 30, and 57 are likewise believed allowable over the combination of *Lickiss*, *Marchosky*, and *Pratt* based at least on their dependency from claim 21 for the reasons presented above.

Dependent Claims 26-29

Dependent claims 26-29 depend either directly or indirectly from independent claim 21 and thus inherit all limitations of claim 21. Therefore, these dependent claims 26-29 are likewise believed allowable over the combination of *Lickiss*, *Marchosky*, and *Pratt* based at least on their dependency from claim 21 for the reasons presented above.

In addition, dependent claim 26 recites "wherein a specific data record includes a range-based data field, the computer program product ... further comprising instructions for: incorporating, as the value descriptor of the text-string associated with the specific data record, the text-based range descriptor that is associated with the field value of the range-based data field included in the specific data record" (emphasis added). The applied combination of *Lickiss*, *Marchosky*, and *Pratt* fails to teach or suggest this further limitation of claim 26, as discussed below.

As discussed above with claim 26, the Office Action's explanation/reasoning (*see* pages 8-9) concerning how the references are being combined to arrive at this further limitation of claim 26 is not understood and fails to establish a proper prima facie case of obviousness. Moreover, *Pratt* does not teach or suggest a text-based range descriptor as discussed above, and thus the applied combination fails to teach or suggest this further limitation of claim 26.

Therefore, the rejection of claim 26, as well as the rejection of claims 27-29 which depend either directly or indirectly from claim 26, should be overturned for this further reason.

Dependent Claim 56

Dependent claim 56 depends from independent claim 21 and thus inherits all limitations of claim 21. Therefore, dependent claim 56 is believed allowable over the combination of *Lickiss*, *Marchosky*, and *Pratt* based at least on its dependency from claim 21 for the reasons presented above.

As discussed above, claim 21 recites "receive medical data records, wherein each of the medical data records includes at least a portion of a corresponding patient's medical history that includes one or more data fields and a field value associated with each data field; receive user selection of one or more of said data fields [of the medical data record] as a range-based data field; and receive user definition of a plurality of text-based range descriptors, wherein each text-based range descriptor is associated with a range of field values for the selected one or more of the range-based data fields [of the medical data record]" (emphasis added). In addition, claim 56 recites "wherein each of the defined text-based range descriptors represents a corresponding medical status of the patient reflected by field values contained in the range of field values associated with the text-based range descriptor" (emphasis added). The recited "the range of field values associated with the text-based range descriptor" of claim 56 refers to the range of field values of the recited medical data record of claim 21.

As discussed above, the Office Action relies upon the disclosure in *Pratt* of a search decision table as containing the recited text-based range descriptors. However, as discussed with claim 1 above, the index words contained in *Pratt's* search decision table are not text-based range descriptors as recited by claim 21. Moreover, the words contained in the search decision table of *Pratt* do not represent "a corresponding medical status of the patient reflected by field values contained in the range of field values associated with the text-based range descriptor", as recited by claim 56. As discussed above with claims 1 and 21, the words contained in the search decision table of *Pratt* do not correspond to any user-specific information, such as medical status of a corresponding patient.

Further, *Marchosky* fails to teach or suggest this limitation. For instance, Table IV of *Marchosky* illustrates "acute pain" having a range of digital codes (from 0-10). However, these digital codes are not taught by *Marchosky* as being range-based data fields in the medical records, but are rather digital codes employed by its medical diagnostic program for controlling the operation of that program in evaluating input responses to questions for attempting to diagnose a patient (*see* paragraphs 0153-0179 of *Marchosky*). Thus, *Marchosky* fails to teach or suggest this further limitation of claim 56.

In addition, *Lickiss* does not teach or suggest this limitation (as *Lickiss* does not teach or suggest any medical data record). Therefore, the rejection of claim 56 should be overturned for this further reason.

Independent Claim 41 and Dependent Claim 42

Independent claim 41 recites:

> A searching system comprising:
> a server system including a computer processor and associated memory, the server system having a database that includes a plurality of medical data records, wherein each of the medical data records includes at least a portion of a corresponding patient's medical history;
> wherein the server system is configured to:
> receive medical data records, wherein each data record includes one or more data fields and a field value associated with each data field, and wherein said field value includes a patient-specific value for the corresponding patient;
> identify one or more of said data fields as a range-based data field that can accept any numeric value within a range of valid numeric values; and
> define a plurality of text-based range descriptors, wherein each text-based range descriptor is associated with a range of field values for one of the range-based data fields, wherein each of the text-based range descriptors represents a corresponding medical status of the patient reflected by field values contained in the range of field values associated with the text-based range descriptor.

For reasons similar to those discussed above with claim 1, independent claim 41 is believed to be patentable over the applied combination of *Lickiss*, *Marchosky*, and *Pratt*. For instance, the applied combination of *Lickiss*, *Marchosky*, and *Pratt* fails to teach or suggest a server system that is configured to "define a plurality of text-based range descriptors, wherein each text-based range descriptor is associated with a range of field values for one of the range-based data fields [included in the medical records], wherein each of the text-based range descriptors represents a corresponding medical status of the patient reflected by field values contained in the range of field values associated with the text-based range descriptor".

As discussed above with claim 1, *Lickiss* fails to provide any medical records whatsoever.

Marchosky mentions medical records, but does not teach or suggest use of text-based range descriptors as being associated with a range of field values included in the medical records. For instance, the portion of *Marchosky* relied upon by the Office Action concerns the internal coding/operation of its medical diagnostic program which is employed for evaluating input answers from a user in attempt to diagnose a patient, rather than teaching or suggesting any text-based range descriptors that are associated with range-based data fields included in the medical records.

Further, *Pratt* fails to teach or suggest the recited text-based range descriptors (*see e.g.,* discussion of *Pratt* with regard to claim 1 above).

In addition, as argued above with claim 1, there is no apparent reason to combine the disparate teachings of *Lickiss*, *Marchosky*, and *Pratt* in the manner suggested by the Examiner as discussed in detail above with claim 1. Therefore, the rejection of claim 41 is improper for this further reason.

In view of the above, Appellant respectfully requests that this rejection of independent claim 41 also be overturned. Further, dependent claim 42 depends from independent claim 41 and thus inherits all limitations of claim 41. Therefore, dependent claim 42 is likewise believed allowable over the combination of *Lickiss*, *Marchosky*, and *Pratt* based at least on its dependency from claim 41 for the reasons presented above.

Conclusion

In view of the above, Appellant requests that the board overturn the outstanding rejections of claims 1-10, 21-30, 41-42, and 53-57. Attached hereto are a Claims Appendix, Evidence Appendix, and Related Proceedings Appendix. As noted in the attached Evidence Appendix, no evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted.

Also, as noted in Section II of this appeal brief, there is a pending appeal (Appeal No. 2009-013604) before the Board for U.S. patent application serial number 10/315,514 titled "METHOD OF AND SYSTEM FOR INTEGRATING HEALTH INFORMATION INTO A PATIENT'S RECORD" (hereafter "the '514 application"), wherein one of the references at issue in the appeal for the '514 application is U.S. Patent Publication No. 2002/0029157 to Marchosky, which is similar to the *Marchosky* reference (U.S. Patent Application Publication No. 2003/0050803) applied in the rejection of the present application. No decision has been rendered as of yet in the appeal of the '514 application. No further related appeals are identified in Section II above, and thus as noted by the Related Proceedings Appendix, no decisions in any such related proceedings are provided.

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Respectfully submitted,

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VIII. CLAIMS APPENDIX

Claims Involved in the Appeal of Application Serial No. 10/727,184

1. A range-conversion method comprising:

receiving medical data records, wherein each of the medical data records includes at least a portion of a corresponding patient's medical history that includes one or more data fields and a field value associated with each data field;

identifying one or more of said data fields as a range-based data field; and

defining, by an authorized user who has authorized access to the medical data records, a plurality of text-based range descriptors, wherein each text-based range descriptor is associated with a range of field values for one of the range-based data fields.

2. The range-conversion method of claim 1 wherein a text-string is associated with a specific data record.

3. The range-conversion method of claim 2 wherein the specific data record includes a range-based data field, the range-conversion method further comprising:

incorporating, into the text-string associated with the specific data record, the text-based range descriptor that is associated with the field value of the range-based data field included in the specific data record.

4. The range-conversion method of claim 1 further comprising

generating a text-string for each data record, wherein each text-string includes one or more text-based data descriptors, such that each data descriptor includes:

a field descriptor that defines a specific data field within the data record to which the text-string is related, and

a value descriptor that defines the field value associated with the specific data field.

5. The range-conversion method of claim 4 wherein each text-string further includes a record identifier that identifies the data record to which the text-string is related.

6. The range-conversion method of claim 4 wherein a specific data record includes a range-based data field, the range-conversion method further comprising:

incorporating, as the value descriptor of the text-string associated with the specific data record, the text-based range descriptor that is associated with the field value of the range-based data field included in the specific data record.

7. The range-conversion method of claim 6 wherein each data descriptor includes one or more starting characters, one or more separator characters, and one or more ending characters.

8. The range-conversion method of claim 7 wherein the field descriptor is positioned between the separator characters and one of the starting characters and the ending characters.

9. The range-conversion method of claim 8 wherein the value descriptor is positioned between the separator characters and the other of the starting characters and the ending characters.

10. The range-conversion method of claim 1 wherein each range of field values is a numeric range.

11-20. (Canceled)

21. A computer program product residing on a computer readable medium having a plurality of instructions stored thereon which, when executed by the processor, cause that processor to:

receive medical data records, wherein each of the medical data records includes at least a portion of a corresponding patient's medical history that includes one or more data fields and a field value associated with each data field;

receive user selection of one or more of said data fields as a range-based data field; and

receive user definition of a plurality of text-based range descriptors, wherein each text-based range descriptor is associated with a range of field values for the selected one or more of the range-based data fields.

22. The computer program product of claim 21 wherein a text-string is associated with a specific data record.

23. The computer program product of claim 21 wherein the specific data record includes a range-based data field, the computer program product further comprising instructions for:

incorporating, into the text-string associated with the specific data record, the text-based range descriptor that is associated with the field value of the range-based data field included in the specific data record.

24. The computer program product of claim 21 further comprising instructions for:

generating a text-string for each data record, wherein each text-string includes one or more text-based data descriptors, such that each data descriptor includes:

a field descriptor that defines a specific data field within the data record to which the text-string is related, and

a value descriptor that defines the field value associated with the specific data field.

25. The computer program product of claim 24 wherein each text-string further includes a record identifier that identifies the data record to which the text-string is related.

26. The computer program product of claim 24 wherein a specific data record includes

a range-based data field, the computer program product of claim further comprising instructions for:

incorporating, as the value descriptor of the text-string associated with the specific data record, the text-based range descriptor that is associated with the field value of the range-based data field included in the specific data record.

27. The computer program product of claim of claim 26 wherein each data descriptor includes one or more starting characters, one or more separator characters, and one or more ending characters.

28. The computer program product of claim of claim 27 wherein the field descriptor is positioned between the separator characters and one of the starting characters and the ending characters.

29. The computer program product of claim of claim 28 wherein the value descriptor is positioned between the separator characters and the other of the starting characters and the ending characters.

30. The computer program product of claim of claim 21 wherein each range of field values is a numeric range.

31-40. (Canceled)

41. A searching system comprising:

a server system including a computer processor and associated memory, the server system having a database that includes a plurality of medical data records, wherein each of the medical data records includes at least a portion of a corresponding patient's medical history;

wherein the server system is configured to:

receive medical data records, wherein each data record includes one or more data fields and a field value associated with each data field, and wherein said field value includes a patient-specific value for the corresponding patient;

identify one or more of said data fields as a range-based data field that can accept any numeric value within a range of valid numeric values; and

define a plurality of text-based range descriptors, wherein each text-based range descriptor is associated with a range of field values for one of the range-based data fields, wherein each of the text-based range descriptors represents a corresponding medical status of the patient reflected by field values contained in the range of field values associated with the text-based range descriptor.

42. The searching system of claim 41 wherein the server system is coupled to a distributed computing network.

43-52. (Canceled)

53. The range-conversion method of claim 1 wherein each of the defined text-based range descriptors represents a corresponding medical status of the patient reflected by field values contained in the range of field values associated with the text-based range descriptor.

54. The range-conversion method of claim 1 wherein said authorized user comprises an authorized medical service provider of a patient.

55. The range-conversion method of claim 54 wherein said medical records are stored to a computer-based repository, and wherein said authorized medical service provider possesses an access key for the patient that permits access to at least a portion of the patient's medical records.

56. The computer program product of claim 21 wherein each of the defined text-based range descriptors represents a corresponding medical status of the patient reflected by field values contained in the range of field values associated with the text-based range descriptor.

57. The computer program product of claim 21 wherein said user comprises an authorized medical service provider of a patient.

IX. EVIDENCE APPENDIX

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted.

X. RELATED PROCEEDINGS APPENDIX

As noted in Section II of this appeal brief, there is a pending appeal (Appeal No. 2009-013604) before the Board for U.S. patent application serial number 10/315,514 titled "METHOD OF AND SYSTEM FOR INTEGRATING HEALTH INFORMATION INTO A PATIENT'S RECORD" (hereafter "the '514 application"), wherein one of the references at issue in the appeal for the '514 application is U.S. Patent Publication No. 2002/0029157 to Marchosky, which is similar to the *Marchosky* reference (U.S. Patent Application Publication No. 2003/0050803) applied in the rejection of the present application. No decision has been rendered as of yet in the appeal of the '514 application.

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.